



KY08076-AC

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

July 8, 2011

Office of
Administrative
Law Judges

Hearing Clerk

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

Derrick S. Bunter
3629 Richmond Road
Lancaster, Kentucky 40444

Tyler Oliver
PO Box 286
Lancaster, Kentucky 40444

Lloyd W. Sebastian
1131 Hurt Lane
Lancaster, Kentucky 40444

B-Sha Sebastian
1131 Hurt Lane
Lancaster, Kentucky 40444

Dear Respondents:

Subject: Derrick S. Butner, an individual, Tyler Oliver, an individual, Lloyd W. Sebastian, an individual, B-Sha Sebastian, an individual-11-0307

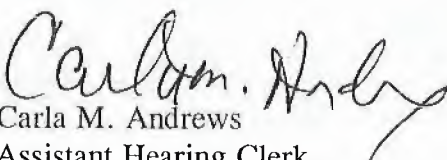
Enclosed is a copy of a Complaint which has been filed with this office under the Horse Protection Act (15 U.S.C. § 1821 et seq.). Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. Please familiarize yourself with the rules and note that the comments which follow are not a substitute for the rule requirements.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, you have 20 days from receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,


Carla M. Andrews
Assistant Hearing Clerk

Enclosure(s)

**Sent To Robert A. Ertman-OGC
 Ruth Ann McDermott-APHIS**

STH: 07/08/2011

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OALJ/OHC

201 JUL -6 AM 9:44

In re:

HPA Docket No.

RECEIVED
11-0301

Derrick S. Butner,
Tyler Oliver,
Lloyd W. Sebastian,
and B-Sha Sebastian,

Respondents

Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Respondent Derrick S. Butner is an individual whose mailing address is 3629 Richmond Road, Lancaster, Kentucky 40444.

B. Respondent Tyler Oliver is an individual whose mailing address is P.O. Box 286, Lancaster, Kentucky 40444.

C. Respondents Lloyd W. Sebastian and B-Sha Sebastian are individuals whose mailing address is 1131 Hurt Lane, Lancaster, Kentucky 40444.

D. At all times material hereto, respondents Derrick S. Butner and Tyler Oliver were the trainers of the horse known as "Reflector's ET" and entered this horse as Entry No. 301, Class No. 65, On April 19, 2008, at the Spring Jubilee Charity Horse Show, Harrodsburg, Kentucky.

E. At all times material hereto, respondents Lloyd W. Sebastian and B-Sha Sebastian were owners of the horse known as

"Reflector's ET" which was entered as Entry No. 301, Class No. 65, On April 19, 2008, at the Spring Jubilee Charity Horse Show, Harrodsburg, Kentucky.

II

A. On April 19, 2008, respondents Derrick S. Butner and Tyler Oliver, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered for the purpose of showing or exhibiting the horse known as "Reflector's ET" as Entry No. 301, in Class No. 65, at the Spring Jubilee Charity Horse Show, Harrodsburg, Kentucky, while the horse was sore.

B. On April 19, 2008, respondents Lloyd W. Sebastian and B-Sha Sebastian, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting of "Reflector's ET" as Entry No. 301, in Class No. 65, at the Spring Jubilee Charity Horse Show, Harrodsburg, Kentucky, while the horse was sore.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying each respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington, D.C.
this 1st day of July, 2011

Acting

ROBERT A. ERTMAN
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-4982

